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10/537,621	06/03/2005	Tim Neil	93422-48	8383
90525	7590	10/14/2010	EXAMINER	
Smart & Biggar 438 University Avenue Box 111, Suite 1500 Toronto, ON M5G 2K8 CANADA			JOO, JOSHUA	
			ART UNIT	PAPER NUMBER
			2445	
			NOTIFICATION DATE	DELIVERY MODE
			10/14/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

toronto@smart-biggar.ca  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/537,621	<b>Applicant(s)</b> NEIL ET AL.	
	<b>Examiner</b> JOSHUA JOO	<b>Art Unit</b> 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,7-9,15-17 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,7-9,15-17 and 23-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

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***Detailed Action***

This Office action is in response to Applicant's communication filed on August 4, 2010.

Claims 1, 7-9, 15-17, 23-32 are pending in the application.

**Response to Arguments**

Applicant's arguments with respect to claims 1, 7-9, 15-17, 23-31, and 32 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 101**

Rejection of claims under 35 USC 101 set in the Office action dated May 5, 2010 is withdrawn in view of Applicant's amendment.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9, 17, 25-31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chenelle et al. US Publication No. 2003/0204842 (Chenelle hereinafter.), in view of Shimakawa et al. US Patent No. 6,502,124 (Shimakawa hereinafter) and Zhou et al. US Publication No. 2005/0125525 (Zhou hereinafter).

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As per claim 1, Chenelle teaches substantially the invention as claimed including a method of facilitating wireless communication device awareness of the availability of new server-side applications, said method comprising:

transmitting a message over a wireless connection to a set of wireless communications devices indicating that said new application is available (Paragraph 0031. Laptops. Paragraphs 0048-0049. Notification to client computers in group indicating a new program. Paragraph 0035. Programs on management computer.),

wherein said set of wireless communications devices is one of a plurality of predefined groups of multiple wireless communications device in communication with said server, said one predefined group being selected from said plurality, wherein said automatically transmitting is only performed for a selected one of said predefined groups (Paragraphs 0035, 0048. Target group from one or more group list.).

Chenelle teaches of transmitting but not specifically automatically transmitting in response to a new application being made available at the server, wherein said automatically transmitting is conditional upon said new application being added to a group of applications associated with the selected one of said predefined groups of wireless communication devices.

Shimakawa teaches of automatically transmitting a message indicating a new application in response to the new application being made available at a server (col. 6, lines 51-59; col. 9, lines 3-5, 16-21, 52-61; col. 10, lines 3-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to automatically transmit a message indicating a new application in response to the new application being made available at a server. The motivation for the suggested combination is that Shimakawa's teachings would improve Chenelle's teachings by simplifying user interaction and providing timely notification of new applications.

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Zhou teaches of transmitting notification that is conditional upon a new application being added to a group of applications associated with selected one of said predefined groups of wireless communication devices (Paragraphs 0015, 0017, 0021, 0024, 0026).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for said automatically transmitting to be conditional upon said new application being added to a group of applications associated with the selected one of said predefined groups of wireless communication devices. The motivation for the suggested combination is that Zhou's teachings would improve the suggested system by providing intelligence management and distribution of software.

As per claim 9, Chenelle teaches substantially the invention as claimed including a server comprising a processor and memory in communication with said processor storing machine-executable code adapting said server to:

transmit a message over a wireless connection to a set of wireless communications devices indicating that said new application is available (Paragraph 0031. Laptops. Paragraphs 0048-0049. Notification to client computers in group indicating a new program. Paragraph 0035. Programs on management computer.),

wherein said set of wireless communications devices is one of a plurality of predefined groups of multiple wireless communications device in communication with said server, said one predefined group being selected from said plurality, wherein said automatically transmitting is only performed for selected ones of said predefined groups (Paragraphs 0035, 0048. Target group from one or more group list.).

Chenelle teaches of transmitting but not specifically automatically transmitting in response to a new application being made available at the server, wherein said automatically transmitting is conditional upon said new application being added to a group of applications associated with the selected one of said predefined groups of wireless communication devices.

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Shimakawa teaches of automatically transmitting a message indicating a new application in response to the new application being made available at a server (col. 6, lines 51-59; col. 9, lines 3-5, 16-21, 52-61; col. 10, lines 3-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to automatically transmit a message indicating a new application in response to the new application being made available at a server. The motivation for the suggested combination is that Shimakawa's teachings would improve Chenelle's teachings by simplifying user interaction and providing timely notification of new applications.

Zhou teaches of transmitting notification that is conditional upon a new application being added to a group of applications associated with selected one of said predefined groups of wireless communication devices (Paragraphs 0015, 0017, 0021, 0024, 0026).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for said automatically transmitting to be conditional upon said new application being added to a group of applications associated with the selected one of said predefined groups of wireless communication devices. The motivation for the suggested combination is that Zhou's teachings would improve the suggested system by providing intelligence management and distribution of software.

As per claim 17, Chenelle teaches substantially the invention as claimed including a non-transitory machine-readable medium storing machine-executable code, which upon execution by a processor of a computing device, causes said device to:

transmit a message over a wireless connection to a set of wireless communications devices indicating that said new application is available (Paragraph 0031. Laptops. Paragraphs 0048-0049. Notification to client computers in group indicating a new program. Paragraph 0035. Programs on management computer.),

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wherein said set of wireless communications devices is one of a plurality of predefined groups of multiple wireless communications device in communication with said server, said one predefined group being selected from said plurality, wherein said automatically transmitting is only performed for selected one of said predefined groups (Paragraphs 0035, 0048. Target group from one or more group list.).

Chenelle teaches of transmitting but not specifically automatically transmitting in response to a new application being made available at a server, wherein said automatically transmitting is conditional upon said new application being added to a group of applications associated with the selected one of said predefined groups of wireless communication devices.

Shimakawa teaches of automatically transmitting a message indicating a new application in response to the new application being made available at a server (col. 6, lines 51-59; col. 9, lines 3-5, 16-21, 52-61; col. 10, lines 3-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to automatically transmit a message indicating a new application in response to the new application being made available at a server. The motivation for the suggested combination is that Shimakawa's teachings would improve Chenelle's teachings by simplifying user interaction and providing timely notification of new applications.

Zhou teaches of transmitting notification that is conditional upon a new application being added to a group of applications associated with selected one of said predefined groups of wireless communication devices (Paragraphs 0015, 0017, 0021, 0024, 0026).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for said automatically transmitting to be conditional upon said new application being added to a group of applications associated with the selected one of said predefined groups of wireless communication devices. The motivation for the suggested combination is that Zhou's teachings would improve the suggested system by providing intelligence management and distribution of software.

As per claim 25, Chenelle teaches the method of claim 1, wherein said one predefined group of wireless communication devices is associated with a group of applications (Paragraph 0041). Chenelle does not specifically teach said transmitting is conditional upon said new application being added to said group of applications.

Zhou teaches of a predefined group of wireless communication devices associated with a group of applications and transmitting notification that is conditional upon a new application being added to a group of applications (Paragraphs 0015, 0017, 0021, 0024, 0026).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for said predefined group of devices to be associated with a group of applications and for the transmitting to be conditional upon a new application being added to a group of applications. The motivation for the suggested combination is that Zhou's teachings would improve the suggested system by providing intelligence management and distribution of software.

As per claim 26, Chenelle, Shimakawa, and Zhou teach the non-transitory machine-readable medium of claim 17. Chenelle further teaches wherein said computing device is said server (Paragraph 0033. Server.).

As per claim 27, Chenelle, Shimakawa, and Zhou teach the method of claim 1. Chenelle teaches wherein one predefined group is unselected such that said automatically transmitting is not performed said unselected group (Paragraphs 0030. Enterprise systems and departments. Paragraphs 0048, 0050. Notification sent to targeted group.).



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As per claim 28, Chenelle, Shimakawa, and Zhou teach the method of claim 1. Chenelle teaches wherein each predefined group of said plurality of predefined groups of multiple wireless communications devices represents wireless communications devices allocated to employees of a distinct department of a business enterprise (Paragraphs 0048-0049. Members of group list associated with department. Software for a department.) and wherein the applications in said first group of applications are all related to one of the distinct departments of said business enterprise (Paragraph 0041. Programs for departments, e.g. marketing and manufacturing.).

As per claim 29, Chenelle, Shimakawa, and Zhou teach the server of claim 9. Chenelle teaches wherein one predefined group of said plurality is unselected such that said automatically transmitting is not performed for said unselected group (Paragraphs 0030. Enterprise systems and departments. Paragraphs 0048, 0050. Notification sent to targeted group.).

As per claim 30, Chenelle, Shimakawa, and Zhou teach the server of claim 9. Chenelle teaches wherein each predefined group of said plurality of predefined groups of multiple wireless communications devices represents wireless communications devices allocated to employees of a distinct department of a business enterprise (Paragraphs 0048-0049. Members of group list associated with department. Software for a department.) and wherein the applications in said first group of applications are all related to one of the distinct departments of said business enterprise (Paragraph 0041. Programs for departments, e.g. marketing and manufacturing.).

As per claim 31, Chenelle, Shimakawa, and Zhou teach the non-transitory machine-readable medium of claim 17. Chenelle teaches wherein one predefined group of said plurality is unselected such

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that said automatically transmitting is not performed for said unselected group (Paragraphs 0030. Enterprise systems and departments. Paragraphs 0048, 0050. Notification sent to targeted group.).

As per claim 32, Chenelle, Shimakawa, and Zhou teach the non-transitory machine-readable medium of claim 17. Chenelle teaches wherein each predefined group of said plurality of predefined groups of multiple wireless communications devices represents wireless communications devices allocated to employees of a distinct department of a business enterprise (Paragraphs 0048-0049. Members of group list associated with department. Software for a department.) and wherein the applications in said first group of applications are all related to one of the distinct departments of said business enterprise (Paragraph 0041. Programs for departments, e.g. marketing and manufacturing.).

Claims 7, 15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chenelle, in view of Shimakawa, Zhou, and Mayer, US Publication No. 2005/0055687 (Mayer hereinafter).

As per claim 7, Chenelle does not specifically teach the method of claim 1 wherein said message is an eXtensible Markup Language (XML) message.

Mayer teaches of transmitting notifications in XML (Paragraph 0007).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the message to be an XML message. The motivation for the suggested combination is that Mayer's teachings would improve the suggested system by providing the message in a common format that may be understood by different devices and applications. Furthermore, Mayer's teachings would enable generic notification of updates of different applications (Paragraphs 0011-0012).

As per claim 15, Chenelle does not specifically teach the server of claim 9 wherein said message is an eXtensible Markup Language (XML) message.

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Mayer teaches of transmitting notifications in XML (Paragraph 0007).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the message to be an XML message. The motivation for the suggested combination is that Mayer's teachings would improve the suggested system by providing the message in a common format that may be understood by different devices and applications. Furthermore, Mayer's teachings would enable generic notification of updates of different applications (Paragraphs 0011-0012).

As per claim 23, Chenelle does not specifically teach the non-transitory machine-readable medium of claim 17 wherein said message is an eXtensible Markup Language (XML) message.

Mayer teaches of transmitting notifications in XML (Paragraph 0007).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the message to be an XML message. The motivation for the suggested combination is that Mayer's teachings would improve the suggested system by providing the message in a common format that may be understood by different devices and applications. Furthermore, Mayer's teachings would enable generic notification of updates of different applications (Paragraphs 0011-0012).

Claims 8, 16, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chenelle, in view of Shimkawa, Zhou, and Hofmeister et al. US Publication No. 2005/0154759 (Hofmeister hereinafter).

As per claim 8, Chenelle does not specifically teach the method of claim 1 wherein said message includes a list of applications presently available to said set of wireless communications devices.

Hofmeister teaches of automatically transmitting a message comprising a list of applications presently available to a set of wireless communications devices (Paragraph 0083).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the message to include a list of applications presently available to a set of wireless communications devices. The motivation for the suggested combination is that Hofmeister's teachings would improve the suggested system by allowing a user to conveniently browse applications and provide information for an expedited search.

As per claim 16, Chenelle does not specifically teach the server of claim 9 wherein said message includes a list of applications presently available to said set of wireless communications devices.

Hofmeister teaches of automatically transmitting a message comprising a list of applications presently available to a set of wireless communications devices (Paragraph 0083).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the message to include a list of applications presently available to a set of wireless communications devices. The motivation for the suggested combination is that Hofmeister's teachings would improve the suggested system by allowing a user to conveniently browse applications and provide information for an expedited search.

As per claim 24, Chenelle does not specifically teach the non-transitory machine-readable medium of claim 17 wherein said message includes a list of applications presently available to said set of wireless communications devices.

Hofmeister teaches of automatically transmitting a message comprising a list of applications presently available to a set of wireless communications devices (Paragraph 0083).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings for the message to include a list of applications presently available to a set of wireless communications devices. The motivation for the suggested combination is that Hofmeister's

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teachings would improve the suggested system by allowing a user to conveniently browse applications and provide information for an expedited search.

### **Conclusion**

Examiner has cited particular sections of the reference(s) that are applied to the claims. While the sections are cited for convenience and are representative of the teachings of the prior art, other sections of the reference(s) may be relevant and applicable to the claims. It is respectfully requested that Applicant fully consider the reference(s) in its entirety when responding to the Office action.

A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew T. Caldwell can be reached on 571 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Joshua Joo/

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